S.B.CRIMINAL MISC. BAIL APPLICATION NO.4645/2007

(Moti Ram & Anr. vs. State of Rajasthan)

DATE OF ORDER : October 05, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Sunil Mehta, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor for State.
Mr.K.K.Vyas, for the complainant.

Heard learned counsel for the petitioners as well as the Public Prosecutor for the State assisted by counsel for the complainant. Perused the order impugned and the police investigation diary.

By order dt. 27.9.2007, the petitioners were directed to appear before the Investigating Officer and handover the dowry articles alleged to have been belonging to the complainant.

Learned Public Prosecutor submits that as per the police investigation diary, the petitioners appeared before the Investigating Officer and have been interrogated and the dowry articles except the gold jewelery have been returned, which as per the police investigation diary, was entrusted to the husband of the complainant Uma Ram, who is not petitioner herein.

Having regard to the facts and circumstances of the case, I consider it just and proper to grant anticipatory bail to the petitioners.

Accordingly, the bail application filed by the petitioners under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioners Moti Ram s/o Bhabhuta Ram and Smt. Keli w/o Moti Ram in CR. No.113/2007, P.S. Kuchera, Distt. Nagaur , they shall be released on bail for a period till the police concludes the investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount each to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The petitioners shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-